

HOUSE No. 2887

By Mr. Kafka of Sharon, petition of Louis L. Kafka and others relative to ventilator dependent patients in hospitals. Health Care Financing.

The Commonwealth of Massachusetts

PETITION OF:

Louis L. Kafka Brian P. Wallace
William C. Galvin

In the Year Two Thousand and Five.

AN ACT PROVIDING FOR THE CLASSIFICATION AND PAYMENT FOR VENTILATOR DEPENDENT PATIENTS IN HOSPITALS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13A of chapter 118E of the General
2 Laws, as appearing in the 2002 Official Edition, as amended by
3 section 162 of chapter 149 of the Acts of 2004, is hereby amended
4 further by striking out the third paragraph and inserting in place
5 thereof the following paragraph:—
6 For any hospital fiscal year commencing on or after October 1,
7 2003, the division shall not classify any ventilator dependent
8 patients in a non-acute hospital certified as a long-term care hos-
9 pital which wants to participate in the Medicare Program under
10 Section 1886(d)(1)(B)(iv) of the Social Security Act and in a non-
11 acute hospital licensed to provide pediatric, psychiatric and pedi-
12 atric rehabilitation services as an administratively necessary day
13 patient, unless a physician member of the hospital's utilization
14 review committee finds and certifies that the medical services
15 required by the patient are actually available in a non-hospital
16 facility located within a 25 mile radius of the patient's principle
17 residence and that the patient will receive safe and effective care.
18 For the purposes of this section a hospital certified to participate
19 in the Medicare Program under Section 1886(d)(1)(B)(iv) of the

20 Social Security Act and a non-acute hospital licensed to provide
21 pediatric, psychiatric and pediatric rehabilitation services shall not
22 include any hospital owned by the Commonwealth. The division
23 shall not made any decision or take any action as to the continuing
24 necessity of hospital care in a hospital certified to participate in
25 the Medicare Program under Section 1886(d)(1)(B)(iv) of the
26 Social Security Act and in a non-acute hospital licensed to provide
27 pediatric, psychiatric and pediatric rehabilitation services which is
28 inconsistent with the hospital utilization review committee find-
29 ings. The division shall pay hospitals certified to participate in the
30 Medicare Program under Section 1886(d)(1)(B)(iv) of the Social
31 Security Act and in a non-acute hospital licensed to provide pedi-
32 atric, psychiatric and pediatric rehabilitation services at the full
33 hospital inpatient per diem rate for services provided to such ven-
34 tilator dependent patients entitled to medical assistance and the
35 ventilator dependent patients shall not be subject to administra-
36 tively necessary day rates.